

MINUTES
PLANNING COMMISSION
JANUARY 14, 2014 – 7:00 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

Regular members present: Sherrard, Pritchard, Kane, Munn, Steinfeld
Alternate members present: Fitzgerald, Zod
Absent: None
Staff present: Murphy (7:14pm), Glemboski, Silsby

Chairman Sherrard called the meeting to order at 7:02 p.m.

II. PUBLIC HEARING

1. Oat Re-Subdivision, 0 MacDonald Court, Noank (SUB13-03) (CAM) - Continuation

Chairman Sherrard noted two documents, a memorandum from Attorney Michael P. Carey dated January 9, 2014 and a letter from Brown, Jacobson P.C., dated January 8, 2014, that have been received by the Commission and are on the record.

Michael Scanlon of DiCesare Bentley Engineers, the applicant, reviewed the proposed re-subdivision plan and noted approvals from the Inland Wetland Agency, the Noank Zoning Commission, and the Noank Executive Committee. He noted Town regulations with respect to fire hydrants, public water and sewer utilities and easements. He noted the intent to tie into existing facilities. Scanlon referred to maps on file in the Groton Land Records and addressed Campbell Road, as a paper street. He explained the need for the site to be approved as a legal subdivision lot before a building permit could be submitted. The dedication of land to the Town for road purposes on McDonald Court was explained. He submitted a letter from Brown Jacobsen P.C. dated January 14, 2014 in response to issues raised in Attorney Carey's memo of January 9, 2014.

Mike Scanlon reviewed sight lines on Groton Long Point Road. He went over the mapping history of Map S20-41 showing the lot splits (Lots A, B, C & D) and Map S21-312 (Lots 1, 2, & 3). Scanlon addressed the underground utility easement and the sanitary sewer easement conveyed by Joan Oat and reviewed the as-built sewer map. He addressed a waiver to Section 5.4 (1) requesting issuance of a building permit prior to completion of public improvements. He noted the request for the Town to take a fee in lieu of open space dedication as included in the application and for the Town not to require the owner to build a sidewalk in front of the subject property. The coastal site plan application was reviewed.

Staff reviewed the proposal and summarized the communications from the Noank Fire District and Noank Executive Committee. Staff touched upon other aspects of the proposal and the need for a water line and fire hydrant to serve the proposed lot. Staff noted two conditions, requested by Noank Executive Board; to provide Noank Fire District with a waterline and fire hydrant access easement and to provide title insurance for any easement. Also requested was for no Certificate of Occupancy to be issued until the waterline is installed and connected. Staff summarized the Town

Attorney's memo dated January 9, 2014. The memo spoke of lack of clarity in the reviewed documents for the ability of the proposed lot to use the right-of-way. The Town Attorney recommended the applicant provide a current Certificate of Title certifying the applicant's rights to obtain a re-subdivision and certifying that the parcel has rights to egress and ingress and install utilities in the 50-foot right-of-way and in Campbell Road. Staff recommended that the Commission obtain the Certificate of Title prior to closing the public hearing for additional clarity. She reviewed the location/area on the map and the parcel location relative to McDonald Court and Campbell Road.

The Commission made inquiries about rights-of-way, town accepted roads and paper streets and their improvements. Discussion followed about Campbell Road and whether it is a town accepted road. Information was given about the existing driveway width and length. The maintenance of the driveway was questioned. Inquiries were also made about sewer and water lines and concerns were raised about the easement. Discussion continued about whether or not this is a legal building lot and the maintenance of a fire hydrant. Staff noted Section 4.5 of the Subdivision Regulations regarding the requirement of fire hydrants. The request of the fee-in-lieu of open space was discussed and if any open space was previously given for the subdivision.

Scanlon commented on the request to provide a certificate of title with regards to rights and easements and noted that the applicant could not guarantee a title policy be provided but could agree to attempt to get this title policy.

Sherrard referred to the Town Attorney comments and noted that the Planning Commission does not do conditioned approvals. He noted that the Town Attorney raised a number of issues that would normally be satisfied by a title company and the Commission may need this information prior to the close of the hearing.

Pritchard had a concern that the gravel driveway should be a paved road and noted that this may have been requested if the 6 lots were approved all at once instead of piecemeal. Current proposal is for only 1 lot.

The meeting recessed at 8:09 p.m. and reconvened at 8:16 p.m.

Jane Dauphinais, 826 Groton Long Point Road, referred to town attorney opinions and feels that the easement is over-burdened. She stated that there is no driveway maintenance agreement.

Discussion ensued about whether there is a driveway maintenance agreement in place.

Peter Vierung, co-owner of lot 2, the abutting property, stated that he is one of 7 property owners who dispute the claims of the applicant regarding a private driveway.

Elizabeth Vierung, co-owner of lot 2, expressed concerns with the hydrant and easement. She spoke about the approved 1977 subdivision plan and stated that there is no driveway agreement currently in place.

Scanlon spoke about the hydrant location and the existence of a driveway maintenance agreement. Staff will look into the request as to whether a subdivision with this many lots on a private driveway has ever been approved. Scanlon requested to

continue the public hearing until January 28, 2014 so he has time to address current issues.

Sherrard referred to the time frame for the public hearing and requested that if any correspondence is received regarding this application, to have it forwarded to all Planning Commission members as soon as possible.

Munn questioned the existence of a driveway maintenance agreement and if Lots C & D requirements are transferred to Lots 1, 2, & 3 and if the fire hydrant is considered a utility.

MOTION: To continue the application until January 28, 2014.

Motion made by Sherrard, seconded by Steinfeld, so voted unanimously.

MOTION: To amend the order of the agenda to hear item # 6 under site plans.

Motion made by Sherrard, seconded by Kane, so voted unanimously

III. SITE PLANS

1. LBI Commercial Park, 973 North Road (SIT13-14) – Request for Extension or Action Required

Pat Lafayette of Development Solutions explained his request and reviewed the building plans, wetland lines, and buffer zone. Information was given about approved buildings, drainage, the storm water retention basin, and the Water Resource Protection District (WRPD) plan. Specifics were given about containment of hazardous materials. Documentation was distributed. He referred to comments received from Ledge Light Health District.

Staff explained about building usage and improvements related to building #3. She stated that the owner is in compliance with WRPD requirements and Groton Utilities have no concerns with the plan. The applicant will be entering into a Memorandum of Understanding with Groton Utilities. She spoke about shared parking and a reduction of a buffer.

Peter Legnos addressed inquiries about hazardous materials. Discussion followed about outside storage, the detention basin, shared parking, zoning regulations, and the retaining wall slope. Concerns were raised about a containment system, sprinklering, parking spaces, and lights. The Commission noted that if the shared parking is approved, it should be reviewed in the future if the use of the buildings change.

MOTION: To approve LBI Commercial Park Building #4, 973 North Road (SIT13-14), with the following modifications:

1. The emergency access drive shall be 20 feet wide and able to support a 50,000 lb. fire truck.

2. A note shall be provided on the plans stating "A shared parking arrangement for the site has been approved in accordance with Section 7.2-6 of the zoning regulations".
3. A final photometric plan shall be submitted prior to filing the plans on the land records. The plan shall document that light does not spill onto adjacent properties and all exterior light fixtures shall be full cut-out.
4. A lip shall be installed at all doors to the proposed building to provide a minimum of 110% containment of any stored hazardous materials.
5. Technical items as raised by staff shall be addressed.

The Commission finds that the reduction of the landscape buffer from 50 feet to 23 feet meets the intent of these regulations in that the proposed development will be 15 feet lower than the residentially zoned property to the north and that this difference in topography will provide privacy from noise, headlight glare and visual intrusion to any residential dwelling. The Commission notes that the applicant will install a 6 foot chain link fence with vinyl slats at the property line.

The Commission notes that 17 parking spaces will be shared as the existing employees will be working in both the existing and proposed buildings.

Motion made by Munn, seconded by Pritchard, so voted unanimously.

IV. APPROVAL OF THE FOLLOWING MINUTES December 10, 2013 and December 19, 2014

MOTION: To approve the minutes of December 10, 2013, as amended

Motion made by Munn, seconded by Pritchard, so voted unanimously

MOTION: To approve the minutes of December 19, 2013, as amended.

Motion made by Sherrard, seconded by Pritchard, so voted 4 in favor, 0 opposed, 1 abstention (Steinfeld).

V. PUBLIC COMMUNICATIONS

Fitzgerald referred to an article in the New London Day about medical marijuana stores.

Sherrard stated that due to the last election, there are three new people on the POCD Steering Committee.

VI. SUBDIVISIONS

1. Oat Re-Subdivision, 0 MacDonald Court, Noank (SUB13-03) (CAM)

This item is continued to January 28, 2014.

2. Seaport Community Church Subdivision, 28 Great Brook Road (SUB13-04) – Reset Public Hearing Date

Staff stated that the applicant has approved to reset the Public Hearing date to January 28, 2014.

3. Cirigano Subdivision, New London Road – Request for Acceptance of Public Improvements and Reduction of Bond

Staff explained that Public Works has recommended acceptance of the public improvements and the reduction of the bond to 10%.

MOTION: To accept the Public Improvements and Reduction of Bond

Motion made by Munn, seconded by Steinford, so voted unanimously, as amended.

VII. SITE PLANS

2. Historic Mystic, LLC (Central Hall), 18-22 West Main Street – Discussion Regarding Status of Extension Approval

Ken Navarro stated that he accepted Staff changes except for one item regarding the coastal access easement. He spoke about adding a private dock in the future, for which he has already contacted the Harbor Management Commission. He referred to his communication with the Director of Planning and Development about the private dock and language changes. He expressed his concerns about finalizing the easement and recording it in Land Records.

Discussion followed about who has the next action to resolve and finalize the language in the easement. Members expressed their concerns about language changes proposed by Mr. Navarro. It was noted that the Town and the Town Attorney have rejected the additional language proposed by the applicant. The Planning Commission is the ultimate authority to address this issue. The Planning Commission determined that the applicant needs to come back to the Planning Commission with the proposed language change in written application form. Navarro was strongly encouraged to record the existing easements and the current site plan in land records as soon as possible to protect his approval. He was also advised that he could submit a site plan application at a later date to install a private dock and that it would be given fair consideration. Staff stated that hard copies of the easement should be sent to the Planning Department for review.

VIII. OLD BUSINESS

1. Subdivision Regulation Amendments – None.
2. Plan of Conservation and Development Update

Staff stated that the next POCD Steering Committee meeting will be held on January 16, 2014.

3. Town Council Referral #2013-0257 to Planning Commission for Resale of Town Owned Property

Staff referred to comments submitted by Pritchard, which have been distributed to Planning Commission members and the Town Manager. Any Referrals for Resale of Town Owned Property will be listed on future agendas.

IX. NEW BUSINESS

1. Election of Officers

MOTION: To elect James Sherrard as Chairman of the Planning Commission

Motion made by Pritchard, seconded by Munn. Motion passed unanimously.

MOTION: To elect Jeff Pritchard as Vice Chairman/Secretary of the Planning Commission

Motion made by Sherrard, seconded by Steinfeld. Motion passed unanimously.

2. Report of Commission

Steinfeld reiterated his concerns about Crystal Lake Road.

3. Zoning Board of Appeals Referral for January 22, 2014 Public Hearing
a. ZBA#13-06 – 8 Latham Street, Mystic

Staff gave specifics about the proposal. The Planning Commission had no comment.

4. New Applications

Two new applications have been received: A Special Permit for Pizzetta and a site plan for the Mystic Art Association.

X. REPORT OF CHAIRMAN

Regarding the Oat public hearing, Sherrard clarified that the five seated members are as follows: Munn, Sherrard, Steinfeld, Pritchard, and Zod. He stated that he will be out of town on January 28, 2014, during the next Planning Commission meeting. He stated that if he is not here, the next members to be “seated” will be Kane (a regular member) and then Fitzgerald (an alternate member). Their ability to vote would be contingent upon them listening to the recording of the meeting of December 10, 2013.

XI. REPORT OF STAFF

Staff stated that his 2015 budget was submitted today. He noted that his department recently lost two (2) full-time positions and explained the need for additional clerical hours (part-time), which is a change in this year’s budget. Staff stated the next meeting of the Committee of Chairpersons will be held on January 27, 2014. Staff gave information about a medical marijuana dispensary opening up in Groton.

Sherrard spoke about the upcoming Connecticut Federation of Planning and Zoning Agencies Annual Conference scheduled for March 13, 2014. Any member interested in attending should contact Town Staff.

XII. ADJOURNMENT

Motion to adjourn at 10:30 p.m. was made by Pritchard, seconded by Munn, so voted unanimously.

Jeffrey Pritchard, Secretary
Planning Commission

Prepared by Robin Silsby
Office Assistant II